



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-066**

June 29, 2006

Gary Bardsley
Peter & Gary LLC
269 Eastman Hill Road
Sanbornton, NH 03265

RE: DES Wetlands File #2006-01239 Little Hill Rd, Webster

Dear Mr. Bardsley:

On June 14, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Webster Tax Map 2 as Lot 5 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. Sediment deposition was observed in jurisdictional wetlands. The deposition was as a result of large scale rutting on a skid trail. The skid trail was eroding and BMP's such as water bars had not been installed.
2. Two rutted wetland crossings were observed. Approximately 6-800 square feet of wetland had been rutted at each crossing.
3. A stream crossing location was inspected. The approaches to the stream had been rutted. Silt fence had not been properly installed at this location. The pole ford had been removed due to heavy rain events, however the crossing was left unstable. The banks were unstable and eroding into the stream. Sediment deposition was observed in the stream channel for approximately 80 linear feet downstream of the crossing. It was discussed in the field that this crossing was typical of the other two stream crossings on the site. Approximately 50 linear feet of stream bank had been impacted.

In response, you are requested to take the following actions:

1. As agreed to during the site visit, **immediately** install and maintain adequate erosion controls on the skid trail where rutting is resulting in or has the potential to cause sediment deposition in jurisdictional wetlands or streams. Install BMP's, such as water bars, where appropriate and stabilize the skid trail surface to prevent erosion and sediment deposition in jurisdictional areas.
2. As agreed to during the site visit, **immediately** stabilize the approaches to the stream and stream banks by sloping back the soil piled on and adjacent to the stream bank. Seed and mulch the area with hay or straw and install adequate erosion controls. The erosion controls will need to be maintained until the site has been permanently stabilized with vegetation.

3. Within 10 days of the date of this letter of deficiency, submit photo documentation showing that the activities in #1 and #2, above have been completed.

4. **Within 60 days** of the date of this letter, restore the rutted wetland crossings by restoring the natural grade, smoothing out the ruts, seeding and mulching. Submit photo documentation showing these activities have been completed.

5. **Within 30 days** of the date of this letter, submit a plan with dimensions, drawn to scale, showing the following:

- a. Locations of the stream and wetland crossings to be restored;
- b. Locations of the rutted areas on the skid trail to be restored;
- c. Locations and method of erosion controls;
- d. Locations and a description of any wetland or stream crossings to be used for future forestry activities on the site. As discussed during the site visit, a bridge spanning bank to bank on the stream crossing is preferable.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Collis G. Adams', is written over a large, bold, black 'COPY' stamp. The signature is written in dark ink, and the 'COPY' stamp is in a thick, sans-serif font.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 6995

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Webster Conservation Commission
Webster Board of Selectmen
USACOE